

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OVERDRIVE, INC.,)
Plaintiff,) CASE NO. 1:17 CV 165
v.) JUDGE SOLOMON OLIVER, JR.
OPEN EBOOK FORUM d/b/a)
INTERNATIONAL DIGITAL)
PUBLISHING FORUM,)
Defendant.)

PLAINTIFF OVERDRIVE, INC.'S MOTION FOR SUMMARY JUDGMENT

Plaintiff OverDrive, Inc. moves this Court, pursuant to Fed. R. Civ. P. 56(a), for an order granting summary judgment that a transfer by Defendant Open eBook Forum d/b/a International Digital Publishing Forum of the EPUB copyrights to the Massachusetts Institute of Technology would be invalid in violation of 17 U.S.C. § 204(a). No genuine issues of material fact exist and the Plaintiff is entitled to judgment as a matter of law. A memorandum in support of this motion is incorporated by reference.

Dated: March 12, 2019

Respectfully submitted,

/s/ Mark E. Avsec

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Court's Case Management/Electronic Case Files (CM/ECF) docketing system on March 12, 2019. Notice of this filing will be served upon counsel of record by operation of the CM/ECF system.

/s/ Mark E. Avsec

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*One of the Attorneys for
Plaintiff OverDrive, Inc.*